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TOC MAIL DRAFT

Donna Searcy, Secretary
Federal Communications Commission
1919 M Street, NW
Washington, DC 20554

RE: MM Docket No. 92-217; RM-8069

Dear Ms. Searcy:

Transmitted herewith, on behalf of Lafayette County Broadcasting, Inc., are an original and four copies of "COMMENTS OF LAFAYETTE COUNTY BROADCASTING, INC." associated with the above-captioned proceeding.

Should there be any questions regarding this matter, please communicate with the undersigned.

Very truly yours,


William J. Pennington, III

Enc.
WJP/tlt
cc: As per Certificate of Service

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FEDERAL COMMUNICATIONS COMMISSION

Washington, DC 20554

TELETYPE UNIT

In the Matter of)
)
Amendment of Section 73.202(b)) MM Docket No. 92-217
Table of Allotments,) RM-8069
FM Broadcast Stations)
(Camden, East Camden and Stamps,)
Arkansas; Minden, Louisiana))

To: Chief, Policy and Rules Division

COMMENTS OF LAFAYETTE COUNTY BROADCASTING, INC.

Lafayette County Broadcasting, Inc. ("LCB"), sole applicant for FM Channel 238A at Stamps, Arkansas, by its attorney and pursuant to Section 1.415 of the Commission's Rules, herewith submits its Comments with respect to the Commission's Notice of Proposed Rule Making and Order to Show Cause in the above-captioned proceeding respectfully requesting that the Commission deny the Petition for Rule Making submitted by Y-95 Radio, licensee of Station KCXY(FM) at Camden, Arkansas, requesting the substitution of Channel 237C1 for Channel 237A at Camden, Arkansas, the reallocation of Channel 237C1 to East Camden, Arkansas, and the modification of the license for Station KCXY(FM) accordingly.

In support whereof the following is shown:

1. In its Notice of Proposed Rule Making and Order to Show Cause the Commission proposed the substitution of Channel 237C1 for Channel 237A at Camden, the reallocation of Channel 237C1 to East Camden, Arkansas and the modification of the license for Station KCXY(FM) accordingly. To accommodate this upgrade, the Commission further proposed the substitution of Channel 282A for Channel 238A at Stamps, Arkansas as well as the substitution of Channel 239A for Channel 237A at Minden, Louisiana and the modification of the license for Station KASO-FM accordingly.

2. LCB has pending before the Commission an application seeking a new FM station at Stamps on Channel 238A (BPH-920401MB). LCB, the sole applicant for Channel 238A at Stamps, proposed that its antenna site be located on land which is owned by one of the principals in the application. Should the Commission substitute Channel 282A for Channel 238A at Stamps, LCB will be forced to move its antenna site to a less desirable location some twelve kilometers west of Stamps. The area where a suitable antenna site could be located is adjacent to the Red River. This area, for the most part, is bottom land necessitating the construction of an abnormally high tower on which to mount the station's antenna. This useable area for Channel 282A at Stamps is more removed from centers of population, thus lessening the amount of service the station could provide even with an effective radiated power of 6.0 kilowatts.

3. Y95 Radio was incorrect when stating that the only way that LCB could operate the new Stamps facility on Channel 238A, with an effective radiated power of 6.0 kilowatts, is through a relocation of the antenna site in the "similar direction as is required for Channel 282A." LCB could operate from its present applied for antenna site with 6.0 kilowatts by employing a directional antenna. This would allow the facility to adequately protect Station KCXY(FM) on Channel 237A at Camden. In fact, LCB has recently decided to file either an amendment to its pending application or a minor change proposal after a grant of construction permit outlining operation with 6.0 kilowatts and utilizing a directional antenna so provide additional service to the populated areas in the general vicinity of Stamps.

4. Y95 Radio's requested reallocation from Camden to the small community of East Camden is nothing more than a "make weight" proposal. Y95 Radio seeks enhancement of its upgrade proposal by providing a first local service to the small community of East Camden. There is absolutely nothing that hinders Y95 Radio from requesting the upgrade for KCXY(FM) and remaining licensed to Camden. In fact, Camden is more deserving of the continued channel allotment. The city of Camden, with a 1990 population of 15,356 persons, has three current FM allotments, or 5,118 persons per allotment. If Y95 Radio's proposal is approved, Camden's population per allotment would rise to 7,678 persons. Clearly, East Camden, with a comparatively

minute population of just 632 persons, is not deserving of one of the present channels allotted to the much larger community of Camden. Furthermore, East Camden presently receives 70 dBu service from Station KWEH(FM) and 60 dBu service from Station KCXY(FM). The Commission has just recently stated that the public interest benefits accruing from the provision of a first local service must be significant enough to outweigh the loss of a transmission service to the original community of license. Report and Order in MM Docket No. 89-583 (Van Wert, Ohio and Monroeville, Indiana). Clearly, the public interest benefits which would be gained by an implementation of Y95 Radio's proposal pale in comparison to the loss of a transmission service at Camden.

5. Y95 Radio seeks to use the present KCXY(FM) tower site if granted an upgrade to Class C1. Since the present site used by KCXY(FM) must provide 70 dBu service to Camden, it is obvious that Camden would continue to receive city grade service if the station were operated as a Class C1 facility. If KCXY(FM) were operated as a Class C1 facility, at its present licensed site, it would obviously provide 70 dBu coverage to East Camden as well. Since Y95 has not stated an intention to move to a site different from that specified in its outstanding license there would be absolutely no improvement in the reception service the station could provide if reallocated to East Camden. If Channel 237C1 were allowed operation at the present KCXY(FM) antenna site, it would

be unable to provide East Camden with any specialized service. The station would provide all of East Camden with a 70 dBu signal if it remained licensed to Camden. The Commission followed this identical line of reasoning when it denied the reallocation of an FM channel from Van Wert, Ohio to Monroeville, Indiana in MM Docket No. 89-583 (Van Wert, Ohio and Monroeville, Indiana). LCB asserts that any discussion by Y95 Radio of public interest benefits associated with the proposed channel reallocation to East Camden ring hollow. Y95 Radio's "burning desire" to reallocate the channel to East Camden is based solely on making its proposal more acceptable.

6. The "willy nilly" reassignment of channels from larger communities to "incorporated crossroads" that provide no real public interest benefits, just put forth to enhance an upgrade proposal, is a dangerous twisting of the Commission's Modification of FM and TV Authorizations to Specify a New Community of License (Modification of License I), 4 FCC Rcd 4870 (1989), recon. granted in part, 5 FCC Rcd 7094 (1990) (Modification of License II). Should the Commission fall prey to this type of reallocation proposal, "make weight" additions to rule making proceedings will become the order of the day. These needless changes in the Commission's Table of Allotments would not only be contrary to the public interest but be costly and time consuming for the Commission Staff as well.

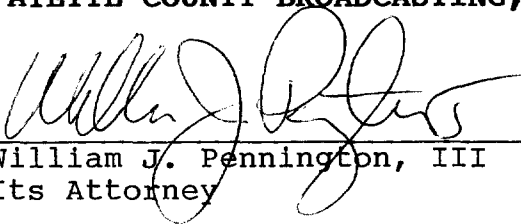
FOR THE FOREGOING REASONS, LCB respectfully requests that

the Commission accept these comments and deny the proposed upgrade and reallocation of Channel 237 from Camden, Arkansas to East Camden, Arkansas.

Respectfully submitted,

LAFAYETTE COUNTY BROADCASTING, INC.

By



William J. Pennington, III
Its Attorney

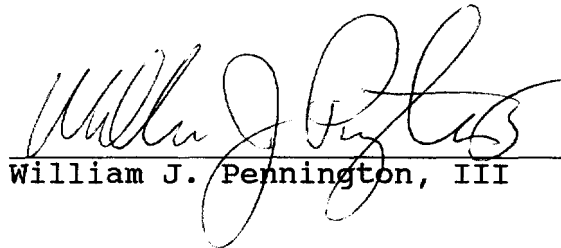
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November 18, 1992

CERTIFICATE OF SERVICE

I, William J. Pennington, III, certify that on this 18th day of November 1992, copies of the foregoing were mailed, postage prepaid , to the following:

Mark E. Fields, Esquire
Law Office of Mark E. Fields
1825 I Street, NW
Suite 400
Washington, DC 20006
(Counsel to Y95 Radio)



William J. Pennington, III